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(No 3)
(Errors Book A)

January Term A. D. 1845

At a Supreme court begun and held in and for the Territory of Iowa, at the Capitol in Iowa City, on monday the 6th day of January A.D. 1845 —
Present the Honorable
Charles Mason Chief Jus
Thos S Wilson Associate Justi

✓ Benson &c. vs Cameron, contd. by consent —

✓ Ordered that court adjourn until tomorrow morning 9 oClock — A.M.

Tuesday Janry 7. 1845 court met
✓ pursuant to adjournment
Present the Hon.
Chas. Mason Chief Justice
Thos. S. Wilson Asso. Justice
Jos. Williams — —

Dickinson vs Chase &c. Mo. to dismiss the appe on the behalf of Defts

✓ Moore vs Neff — argued & submitted —

✓ Payne vs Coutch & Kinsman, Submitted

✓ Munger Admr. vs Noble — Mo. of Deft to strike from the record the Bill of Exceptions, argued & mo. submitted —

√ Parker vs Stewart, Submitted —

√ Blake vs Bush, contd.

√ Latta vs Scarborough, mo. to dismiss with damages Submitted —

Ordered that Court adjourn untill tomorrow Morning 9 O'clock —

Wednesday Morning 9 O'clock
Janry 8th 1845
Court met pursuant to adjournment
Present the Honorable
Charles Mason C.J.
Jos Williams }
Thos. S. Wilson } Assts.

√ Munger Admr. vs Noble, mo. overruled —

√ Ramsay vs Duke affirmed —

√ Hughell vs Wilson affirmed —

√ Felton vs Jones, Bacon & Co. the Deft withdrew

√ On mo. of Mr. Lowe, Perry Decator Turner Esqr. was admit an atto.

√ Bazzals vs Phillips Submitted —

Sheppard vs Wilson, The plff suggested di=
minution of the record herein - and moved the
Court for a writ of Certiorari

Gray vs Phillips mo. for certiorari granted -

Leonard &
vs
Jaques & Robbins
Motion to dismiss appeal
for want of notice - Leave granted
until tomorrow to show cause
why he has not gave notice

United States
vs
Dickey
Deft moves to dismiss
Certiorari for want of notice

McDonald
vs
Lightfoot
motion to dismiss for want
of notice of Error.

[illegible]
Shuffleton
vs
Denkins Leave granted to with
draw motion to dismiss and
agreement of parties filed

Jan 8th 1845

✓ Mr Grant appointed Reporter of this court

Roberts vs Smith { motion for rule on Clerk as per file — — motion granted in part.

✓ Satta vs Scarborough, Defts Mo. Sustained and writ of Error dismissed with 6 per cent damages — amounting to $32.58 cts —

✓ Petton vs Bacon { motion to affirm by Deft Overruled
Plff moved to amend writ
Mo. continued under advisement

Ordered that court adjourn until tomorrow morning 9 OClock —

Thursday Morning Jany. 9. 1845
Court met pursuant to adjournment
Present the Honorable
Charles Mason Chf Justice
Joseph Williams }
Thos. S. Wilson } Associate Justices

✓ Sheppard &c. vs Wilson, The mo. of Plff for certiorari overruled —

✓ On motion of Mr. Lowe — Easton Morris was sworn an attorney

✓ Bennett vs Smith by guardian &c. Death of Deft suggested, and Charles Neally Adm. substituted — rule on Neally to file assignment of Error by to morrow —

✓ Jennison vs same — same order —

✓ United States vs Dickey, Mo. of Deft to affi overrulled —

✓ U. S. vs Sheppard, same order —

✓ Dickinson vs Chase — Mo to dismiss sustained

✓ Pelton vs Jones, Bacon &co. Mo. to amend sustained

✓ Runnels vs Phillips affirmed —

✓ Wyatt vs Bailey affirmed

✓ Payne vs Coutch & Kinsman affirmed —

✓ McCarthy vs Archey, Mo to affirmed —

✓ Harbert &c. vs Levi, contd. —

✓ Cook &c. vs Bank — mo. of Deft a writ of certiorari awarded —

✓ Shuffleton & Pitzer vs Jenkins Submitted

Leonard vs negro Robbins, striken from the Dockett —

✓ Edgar vs Coldwell — Submitted —

Chambers vs Chambers Settled

~~U.S. vs Salmon, Dismissed on mo of Deft~~

✓ Pelton v John Bacon &Co.
Motion to strike out the record returned to writ of cer. argued and ~~mo~~ submitted —

Ordered that Court be adjourned until tomorrow Morning 7 oclock

January Term 1845

Friday Morning 9 o'clock Jany 10th 1845 Court met pursuant to adjournment
Present the Honorable
Charles Mason Chief Justice
Joseph Williams } Associate
Thomas S. Wilson } Justices

✓ Hoopes vs Evey, affirmed —

✓ Hoopes & Lakin vs Evey, affirmed —

✓ Harman vs Goodrick, reargument ordered —

✓ Pelton vs Jones, Bacon & Co. mo. to strike off the record from the writ of Error, overruled

✓ Sheppard & Co. vs Wilson affirmed —

✓ Goble vs Welch, on motion of Deft, writ of Error dismissed —

~~Bennett vs Smith by Guardian &c. The Deft moved for a rule vs~~

~~Jennison vs Smith by Guardian~~

✓ Pelton vs Jones, Bacon & Co The ~~Defts~~ filed joinder in Error in short by consent & cont'd

Henry W. Salmon vs United States The plff in Error appeared under the rule granted against him on yesterday — to shew cause why he has not filed assignment of Errors,

~~Jenkins vs McCarthy Submitted~~

~~Burgess vs Wilson Submitted~~

✓ Wright vs Shuck— argued & submitted —

Ordered that Court adjourn until tomorrow morning 9 o'clock.

January Term 1845

Saturday Morning Jany. 11. 1845
Court met pursuant to adjournment
Present the Honorable
Charles Mason Chief Justice
Joseph Williams & } Associate
Thos. S. Wilson } Justices

✓ Leonard vs Negust Robbins, ~~Stricken from Docket~~ Dismissed at ~~Defts~~ plffs costs —

✓ Chambers vs Chambers Dismissed at Plffs costs —

✓ Van vs Manning, submitted to the court on written argument. —

✓ Bennett vs Smith's Admr. mo to strike from the Dockett sustained — ~~& Deft to~~ pay costs by consent. —

✓ Jennison vs same — same order —

✓ Ramsey vs Duke — The clerk to issue procedendo instanter

✓ Cravens vs Cravens, mo. to substitute admr. & for Execution to issue sustained —

✓ Sudman vs United States mo. to affirm sustained —

✓ Lickey vs Pepper, cond. by consent

✓ Lamb vs Reynolds — same order

January Term 1845

✓ Burkadink vs Baker — The plaintiff moved to suggest diminution of Record. and moved for writ of certiorari overruled —

✓ McCarthy vs Archy, mo. to affirm sustained & judgment affirmed

✓ Chadwick vs Brown contd

✓ White vs Mallard contd

✓ Sullivan vs Bowen contd

✓ Simpson vs Longacre contd.

✓ Edgar vs Wilkinson contd

✓ Bissell vs Hales contd —

✓ Burns & Snyder vs Burge Judgment corrected —

✓ Atkinson vs Gorden & Tannehill, on mo. of Deff, ordered that if an execution is issued in this cause, the Clerk is to endorse the same without reference to the valuation Law. —

✓ Hight vs United States, argued ~~in part~~ submitted

✓ Marsh, Lee, & Delevan vs Reddecks &c. order made as on the files —

✓ Same vs Same, Same order

January Term 1845.

✓ Fanning vs McCraney, Affirmed —

✓ Johnson & Co. vs Bridgman & Co. Mo. to dismiss writ of Error overruled —

✓ McDaniel vs Smith Brothers & Co. Affirmed And damages awarded 6 per cent per annum —

Orderd that court adjourn until Monday Morning 9 oclock. —

January Term 1845

Monday morning January 13th 1845
Court met pursuant to adjournment
Present the Honorable
Charles Mason Chief Justice
Joseph Williams } Associate Justices
Thos. G. Wilson }

Dickinson vs Chase &c. The Complt. moved to setaside order dismissing appeal herein at this term + mo. sustained ~~on mo of Deft a rule granted against the clerk to correct the entry made at the last term of this court continuing this cause~~ ✓

Woods, Christy & Co. vs Hight, &c. on mo. of plffs a rule vs A. Mc Lyon returnable to next term to shew cause why he has not paid over the money on Execution — ✓

✓ U.S. vs Bonsell contd by consent without prejudice to either party by such continuance see agreement on file

✓ U.S. vs Cook &c. Same —

Gray vs Phillips — writ of certiorari returnable to 1st day of the next term & the cause be continued ✓

Salmon vs United States — The plff moved the court ~~that~~ to setaside the order affirming the judgment of the court below — which motion was argued. — Overruled — ✓

January Term 1845

Musgrave vs Brady & Co. Submitted on motion to dismiss writ of Error —

Edgar vs Lowe — The Deft by Attory James W. Grimes entered a remitter of $39.97cts part of the Judgment rendered in the court below —

United States vs Bartholomew, Argued & submitted —

It is ordered by the Court that the Marshall furnish for the use of this Court one hundred Copies of a catalogue of Books belonging to the territorial library —

Ordered that court adjourn until tomorrow morning 9 o'clock

Tuesday Morning January 14th
1845 Court met pursuant to adjournment
Present the Honorable
Charles Mason Chief Justice
Joseph Williams } Associate
Thos S. Wilson } Justices

Gray vs Phillips — order cont'd set aside on mo. of Deft — and leave given plff
until tomorrow morning to file assignment of Errors —
to file assignment of Error —

Chord vs McCoy — name changed to Elizabeth Chord — instead of Phebe

Young & Snyder vs Scott — Submitted —

Bruce vs Sweetland mo. to quash writ of Error overruled. — leave given plff to amend writ, & Deft moved to have cause cont'd.

Musgrave vs Brady &c. mo. to dismiss writ of Error overruled —

Roberts vs Smith use &c. argued on the part of the plff and submitted

Margrave vs U.S. argued & submitted —

Wilson vs Hughell — submitted —

Bennett vs Smith } on mo. of S.C. Hastings attorney
Jennison vs Smith } for Deft, leave is given him
to withdraw the transcripts filed herein —

Ordered that Court adjourn
until tomorrow morning 9 oClock

Wednesday Morning January 15. 1845
Court met pursuant to adjournment
Present the Honorable
Charles Mason Chief Justice
Joseph Williams & } Associate
Thomas S. Wilson } Justices

✓ Bruce vs Sretland — mo. to contd. sustained

✓ Neil vs Neil Pltff moved for Certiorari granted & Contd. —

✓ Burkadink vs Baker Submitted

✓ Childs vs Risk submitted

✓ Woods vs Hughes submitted —

✓ Cunningham vs Dupew submitted —

✓ Kerr vs Stewart mo. to strike from Docket overruled —

✓ Hoops vs Evey — mo for modifying Judgt. overruled —

✓ Payne vs Coutch & Kinsman, Reargument ordered

January Term 1845

Roberts vs Smith et al. Judgment of default set aside ~~Reversed~~

✓ Woods vs Commrs of Van Buren County Submitted

✓ Roberts vs Smith In chancery, Submitted

✓ It is ordered by the court nunc pro tunc that Wm G. Woodward Esqr an Attorney of this U.S. District Court be and he is hereby appointed attorney pro tem for this ~~court~~ term of this Court

✓ Temple & Funck vs Marstens Angelrodt &c. Submitted

Moffett vs Stanfield, writ of Er. dismissed on mo of Deft

✓ Johnson &c. vs Bridgman &c. Submitted

✓ Young &c. vs Isett dismissed

✓ Caldwell &c. vs Byrns contd

✓ Bissell & Shaw vs Maguire, The judgment rendered at last term set aside and correct judgment entered

✓ Marsh Lee & Delavan vs Kaddricks &c. Submitted

January Term 1845

✓ Swearingen vs. Nye – on mo. of plff ordered that ~~an alias Execution~~ venditioni exponas issue & property to sell without regard to the valuation Law –

✓ Carothers vs Green submitted

~~Dickins vs L~~ Ordered that court adjourn until tomorrow morning 9 oclock –

Thursday Morning January 16. 1845
Court met pursuant to adjournment
Present the Honorable
Charles Mason Chief Justice
Joseph Williams } Associate
Thomas S. Wilson } Justices

✓ Moore vs Ross – affirmed –

✓ Deshler vs Hostir, affirmed –

✓ Culbertson & Finch vs Tomlinson affirmed –

✓ Fry vs Butler & Swan, the plff suggests the death of Mr. Butler, and on mo. ordered that W. L. Gilbert ~~be app~~ Admr. be made deft –

✓ Long vs Long submitted

January Term 1845.

✓ Pickens Ayers — Pltff suggest diminution of record and on his motion a writ of certiorari is awarded herein — & the cause is contd —

✓ Porter vs Sigler — The pltff suggest diminution of record, certiorari awarded — & contd —

✓ Payne vs Coutch & Kinsman, Petition for re-hearing filed, and on mo. of pltff rehearing granted and the cause is contd.

✓ Wilford vs Miller affirmed —

✓ McDonold vs Lightfoot, Reversed —

✓ Parker vs Stewart, Reversed —

✓ Hight et al. vs U. States, affirmed —

✓ United States vs Thos. Dickey affirmed —
✓ Same vs Shepard — affirmed —
✓ Margrave vs U. States — Reversed

✓ Roberts vs Smith use &c, Reversed & on motion of pltff a rule is granted ~~them~~ him vs Halferty to shew cause why he shall not pay the costs of this suit —

✓ Stratton vs Shirtliffe affirmed —

✓ Van vs Manning, Reversed

January Term 1845

✓ Anderson vs Anderson, The Defts mo. to dismiss this cause overruled — and leave given plff to amend writ of Error amendment made —

✓ Darlington vs Irwin — affirmed —

✓ Thomas B. Johnson vs United States affirmed —

✓ Wright vs Shuck — Reversed

✓ Roberts vs Smith & Halferty Chancery affirmed

✓ Shuffleton & Fitzer vs Jenkins — affirmed

✓ Carothers vs Green — affirmed

✓ Gray vs Phillips use &c. Submitted —

✓ Dickinson vs Chase &c. Argued & submitted —

✓ Marsh &c. vs Reddicks Hrs. Submitted

Ordered that Court adjourn until tomorrow morning 9 o'clock —

Friday Morning January 17th 1845
Court met pursuant to adjournment
Present the Honorable
Joseph Williams } Associate
Thos. S. Wilson } Justices

✓ Harman vs Goodrich, The Defts mo. to Strike from the record the Bill of exceptions, overruled —

✓ Anderson vs Anderson ~~mo for mo for contd. Suit & cause contd. until July.~~ ~~The plff Dism for Writ of Error~~ — mo ~~sustained~~ withdrawn & submitted on written argued of Counsel —

Gray vs Phillips use &c. Affirmed

Kerr vs Stewart — affirmed —

Woodwards account, allowed —

Woods vs Hughes Contd. by consent of parties —

✓ Bunker & Massey vs Fisher Contd. until the meeting of the court at July

Meninger vs Noble — argued in part —

Ordered that Court adjourn until tomorrow morning 9 o'clock —

January Term 1845

Saturday Morning January 18th 1845
Court met pursuant to adjournment
Present the Honorable
Joseph Williams } Associate
Thomas S. Wilson } Justices

✓ Porter vs Cox – suggestion by Deff of diminution of the record – writ of Certiorari awarded returnable to the July meeting of the court & Contd until that time —

✓ Porter vs Sigler — The Deff. withdrew his suggestion of diminution of record – and on his motion the order granting writ of Certiorari set aside & the Cause is Contd. until the July Court —

Munger Admr &c. vs Noble, argued & submitted —

Ordered that court adjourn until Monday morning 9 O'clock

January Term 1845

Monday Morning January 20th 1845 Court met pursuant to adjournment

Present the Honorable
Joseph Williams } Associate
Thos. S. Wilson } Justices

✓ Munger vs Noble — Reversed — see memo. of Court — & the Deft answer over — & plead to the merits —

✓ Edger vs Lowe, Reversed — see memo. of Court —

✓ Musgrave vs Brady &c. Submitted +

✓ Packard vs United States, Contd. by consent —

Ordered Court adjourn until tomorrow morning 9 O clock —

January Term 1845

Teusday morning January 21st 1845
Court met pursuant to adjournment
Present the Honorable
Joseph Williams & } Associate
Thos. S. Wilson } Justices

✓ Anderson Guard &c. vs Anderson, ~~affirmed~~ —

✓ Starr & Burgess vs Wilson affirmed —

✓ Edgar vs Caldwell Reversed

✓ Temple & Funck vs Carstens et al. Demurrers to plea in abatement overruled, plff in Error has leave to answer over, contd to July meeting —

✓ Long vs Long Court divided, contd to July meeting —

✓ Powers vs Bridges, affirmed —

✓ Fry vs Butler & Swan — argued on petition for rehearing & submitted

Ordered that court adjourn until tomorrow morning 9 O'clock —

January Term 1845th

Wednesday morning January 22nd
1845 Court met pursuant to adjournment
Present the Honorable
Joseph Williams & } Associate
Thos. S. Wilson } Justices

✓ Bartholomew vs United States — Reversed —

✓ Mauro vs Webb & Thruston, to be advised further ~~Court not advised~~ —

✓ Child & Co. vs Risk — affirmed

✓ Words vs Comrs. of Van Buren Co. affirmed —

✓ Burkadinto vs Baker — affirmed —

✓ Bragg vs Gray affirmed —

✓ Fry vs Butler &c. rehearing refused —

✓ Cook vs Ricker & Bartlett Affirmed —

✓ Keys vs Isett — Court divided & contd until July —

✓ Johnson et al. vs Bridgeman affirmed —

✓ Maloney vs United States use &c. affirmed —

✓ Junkin vs McCully — Reversed —

January Term 1845

✓ Boothe & Carter vs Brophy & Mullen, ordered that Execution issue for costs, as writ of Error was not prosecuted to the Supreme court U.S.

✓ Lore & Co. vs United States — ordered that Execution issue for costs, as appeal was not prosecuted to Supreme court U.S.

✓ U.S. on Relation of Jones vs Fanning, same order —

✓ Ordered that James Grant Reporter to this court, have leave to withdraw papers for the purpose of reporting the cases decided — on giving recpt &c. but to return them —

✓ Hooper vs Every on mo. Deft 6 per cent damages allowed & the judgment amended —

✓ Hooper & Lakin vs same — same order —

✓ It appearing to the court that an order was made directing the clerk of this court to rent a room for an office at the January Special term 1842 but not entered, but now ordered to be entered —

✓ Ordered that the clerk purchase a press for the use of the seal of this court and present bill of the cost &c. —

✓ Ordered that the clerk of this court issue process in all cases decided at this term —

Ordered that this court do now adjourn until the 1st monday in July next being the 7th day of July —

Monday July 7. 1845 Court met pursuant to adjournment..

~~Present the Honorable~~ —

✓ The hour having arrived at which the court should meet, and no one of the justices of the court attending the court stands adjourned over until tomorrow morning 9 oclock. =

Tuesday July 8. 1845 Court met pursuant to adjournment

Present the Honorable

✓ The hour having arrived at which the court should meet, and no one of the justices of the court attending, the court therefore stands adjourned over until tomorrow morning 9 oclock A. M.

Wednesday, July 9. 1845 Court met pursuant to adjournment

Present the Honorable
Thos. S. Wilson

✓ The hour having arrived at which the court should meet, and there being only the Hon. Thomas S. Wilson present, He adjourned the Court until tomorrow morning 9 oclock —

July Term 1845

Thursday morning July 10. 1845 Court met pursuant to adjournment

Present the Honorable
Thos. S. Wilson
Associate Justice

The hour having arrived at which the Court was adjourned to, and only the Honorable Thos. S. Wilson one of the Associate Justices being present, He ordered the Court to be adjourned until ~~[illegible]~~ Tuesday the 15th Inst at 9 O'clock A.M.

Tuesday July 15th 1845 Court met pursuant to adjournment

Present the Honorable
Joseph Williams Asso=
Thos. S. Wilson ciate Justices

Thomas S. Espy Esquire produced suffi=cient evidence of his being an Attorney and Counsellor at Law in the State of Pennsylvania on motion of C. Bates Esqr. the said Thos. S. Espy Esqr. was sworn and admitted as an Attorney & Counsellor at Law in this Court —

Braggins assee vs Gray — on motion of the ~~Pltff~~ by his Attorney the Judgment rendered in this Cause is setaside and the writ of procedendo recalled — and Judgment rendered here for the amount of the Judgment mentioned in the Transcript with interest and costs — To be levied of the goods & chattles &c. in the hands of the Assignee not disposed of

Ordered that Court adjourn untile tomorrow Morning 9 Oclock —

Wednesday Morning July 16. 1845
Court met pursuant to adjournment
Present the Honorable
Joseph Williams } Associate
& Thomas S. Wilson } Justices

Jeremiah Driskal a native of Ireland and a subject of Queen Victoria, having produced the necessary evidence of his residence — and he having taken the oath required by law — He is admitted a citizen of the United States —

Ordered that court adjourn untile to morrow morning 9 oclock —

July Term 1845

Thursday morning July 17, 1845
Court met pursuant to adjournment

Present the Honorable
Charles Mason Chief Justice
Jos. Williams } Associate
Thos. S. Wilson } Justices

Bunker & Massey vs Fisher. Dismissed at
~~Bunker & Massey~~ [illegible]
Defts costs

Fisher vs Bunker & Massey — On mo. of the pltff in Error, the writ of Error is dismissed and by ~~consent~~ agreement of the parties, the Defts are to pay the costs, It is therefore considered by the court that the Defts in Error pay the costs herein expended.

Casper Dunkel came into court, and he having produced the proper evidence of his residence in the United States and a certificate of his previous intention, and testimony of his ~~intention~~ good disposition towards this Government, He was therefore sworn according to Law and he is therefore admitted a citizen of the United States —

Ordered that court adjourn until tomorrow morning 9 o'clock.

July Term 1845

Friday Morning July 18th 1845
Court met pursuant to adjournment
Present the Honorable
Charles Mason Chief Justice
Joseph Williams & } Associate
Thos S. Wilson } Justices

✓ Edgar vs Lowe — The Deft. filed a petition for a rehearing, ~~which~~ the hearing of which by consent is continued until the next term of this court, subject to all legal exceptions which may now be taken to ~~it~~ the petition at this time —

✓ Pltff moves that the consideration of his dem to Temple & Funck vs Carstens, Anglerodt — contd, as per memo.

✓ Huff vs Jennings Affirmed —

✓ Musgrave vs Brady & Co. Affirmed

✓ Long vs Long Affirmed —

✓ Tomlinson vs Culbertson — to be reconsidered

✓ Ordered that Court adjourn until tomorrow Morning 9 O'clock

July Term 1845

Saturday Morning July 19th 1845
Court met pursuant to adjournment
Present the Honorable
Charles Mason Chief Justice
Joseph Williams } Associate
Thos. S. Wilson } Justice

Van vs Manning — the parties appd & service of notice acknowledged Deft filed petition for a rehearing and moved the court for a rehearing of this cause, mo. sustained reargument awarded & contd until January Term — on mo. of Deft, ordered that the writ of procedendo be recalled & set aside, and that the cause be and stand as it was before, and that the Execution be returned —

Powers vs Bridge — Deft filed petition for rehearing, mo. for rehearing continued & leave to give notice of mo. and file authorities —

Moffet vs Mansfield, Deft moved to dismiss writ of Error for reasons on file — mo. Sustained — and writ of Error dismissed — and writ procedendo awarded —

Harman vs Goodrich — Reversed —

July Term 1845

Isett vs Young & Snyder, affirmed

Wilson vs Hughell - affirmed

Key vs Isett — affirmed

Cunningham vs Depew affirmed

Hughes vs McCoy - Reversed

Rogers vs Comrs. of Henry Co. &c — affirmed —

Stewart use &c. vs Timberlake - affirmed

Ordered that all causes &c. not otherwise disposed of be and the same are hereby continued until the next Term of the Court —

Ordered that court adjourn until Court of Course —